

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 18, 2003**

DIVISION ONE

B165010 Vinci (Not for Publication)

V.

Aida Grey, Inc., et al.

The judgment (order of dismissal) is affirmed. Aida Grey, Inc. is awarded its costs of appeal.

Ortega, J.

We concur: Spencer, P.J.

Ortega, J.

B167176 People (Not for Publication)

V.

Martin Solorzano

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Mallano, J.

B163189      Wagenen

V.

## Berkley Industries

Filed order modifying opinion. Appellant's and Respondent's petitions for rehearing filed December 9, 2003 are denied. (No change in the judgment)

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B166674 People v. Martinez  
B167626 People v. Sheena K.  
B167117 People v. Ahmad  
B164248 People v. Garcia

Argument waived, cause submitted.

B161880     Laff, et al.  
                 v.  
                 Manning and Marder, et al.

Merits:  
Argued by David Wilson for appellants and there being no appearance for respondents. Cause submitted.

B163597     Citicorp Vendor Finance Inc.  
                 v.  
                 Medtech Center Inc.

Merits:  
Argued by Stephen Spinella for respondent and there being no appearance for Appellant. Cause submitted.

B165941     Young  
                 v.  
                 Goldszer, et al.

Merits:  
Argued by Jack Young for appellant and there being no appearance for respondent. Cause submitted.

December 18, 2003 (Continued)

## DIVISION ONE (Continued)

B160766      Schrobilgen  
v.  
Ocean Towers Housing Corp.

Merits:  
Argued by Edmund Schaffer for appellant and by Jonathan Fink for respondent. Cause submitted.

B164665      Consumer Cause Inc.  
v.  
Grand Avenue Nightclub

Merits:  
Argued by Stewart Richlin for appellant and there being no appearance for respondent. Cause submitted.

Court adjourned.

B167641 Fair Employment and Housing Commission  
v.  
S.C.L.A.  
Las Brisas Apartments (R.P.I.)

Filed order vacating submission of September 18, 2003. Cause resubmitted.

## DIVISION THREE

B163789 People (Not for Publication)  
v.  
Estrada

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION THREE (Continued)

B160565      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Consuela E.

The judgment is affirmed.

Aldrich, J.

We concur:   Klein, P.J.  
                  Kitching, J.

B163415      Michel T. Leonte, et al.  
v.  
ACS State and Local Solutions, Inc.

Filed order vacating submission of Sept. 17, 2003. Cause resubmitted.

B164118      Frank Snowney, et al.  
v.  
Harrah's Entertainment, Inc., et al.

Filed order vacating submission order of Sept. 17, 2003. Due to the press of other court business and the complexity of the issues, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

B160217      People  
v.  
Irving Daniel Carrier

Filed order vacating submission order of Sept. 17, 2003. Due to the press of other court business and the complexity of the issues in this case. Cause resubmitted.

December 18, 2003 (Continued)

DIVISION FOUR

B161414      Lee, et al.      (Not for Publication)  
v.  
The Bicycle Club Casino

The order of dismissal is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

B165162 Swanson (Not for Publication)  
v.  
Century National Insurance Company

The judgment is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

B163416      Jespersen, et al.      (Certified for Publication)  
v.  
Zubiate-Beauchamp, et al.

The order denying appellants' special motion to strike is affirmed. The order denying sanctions is affirmed. Respondents shall have their costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

December 18, 2003 (Continued)

## DIVISION FOUR (Continued)

B166669 People (Not for Publication)  
v.  
Macias

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

B160999 People (Not for Publication)  
v.  
Velasquez

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B163956 People (Not for Publication)  
v.  
Marshall

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FIVE

B163120      Kimberly Standmore            (Not for Publication)  
                 v.  
                 Sonora Manufacturing, Inc.

The judgment is modified to award total damages, including punitive damages, of \$448,000. In all other respects, the judgment is affirmed. In the interests of justice, the parties to bear their own costs on appeal.

Turner, P.J.

We concur:    Armstrong, J.  
                 Mosk, J.

DIVISION SIX

B164430      People                                    (Not for Publication)  
                 v.  
                 Washington

The judgment is affirmed.

Gilbert, P.J.

We concur:    Yegan, J.  
                 Coffee, J.

B167959      Russell                                  (Not for Publication)  
                 v.  
                 Russell

The order denying the motion to set aside the stipulated judgment of dissolution is affirmed. The parties shall bear their own costs on appeal.

Yegan, J.

We concur:    Gilbert, P.J.  
                 Perren, J.

December 18, 2003 (Continued)

## DIVISION SIX (Continued)

B165275      People                                  (Not for Publication)  
v.  
Bretado & Perez

The judgments (orders denying motions to withdraw plea) are affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B166269      People  
v.  
Daleggio

Filed order denying petition for rehearing.

## DIVISION EIGHT

B162289      Laurel Rabinowitz      (Certified for Publication)  
v.  
Jenee Rabinowtiz, et al.  
Estate of Daniel Rabinowitz, Deceased.

The order is affirmed. Respondents to recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.

B166240 American Cancer Society, California Division, Inc., (Not for Publication)  
v.  
Robert D. Helmer  
Estate of Hallie St. Mary, Deceased.

The orders are affirmed. Respondent is to recover costs on appeal.

Flier, J.

We concur: Cooper, P.J.  
Rubin, J.



DIVISION EIGHT (Continued)

B163430      La Colectiva, Inc.                      (Not for Publication)  
                 v.  
                 County of Los Angeles

The judgment is affirmed.

Flier, J.

We concur:    Cooper, P.J.  
                 Rubin, J.

B162290      People    (Not for Publication)  
                 v.  
                 Cullors

The trial court's finding that appellant's prior conviction for battery with serious bodily injury qualified as a "serious felony" is reversed with respect to the doubling of the sentence for the present offense and the enhancement of the sentence as a result of the prior strike. The cause is remanded to the trial court for resentencing or (at the prosecutor's election) retrial of the prior conviction allegation. In all other respects, the judgment is affirmed.

Flier, J.

We concur:    Cooper, P.J.  
                 Rubin, J.